



August 13, 2024

Hon. Peggy Kuo
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201
VIA ECF ONLY

Re: *Shkolir, et. al v. RX2GO, Inc., et. al.*; 1:23-cv-7256-OEM-PK (EDNY)
JOINT STATUS REPORT

Your Honor:

I represent the Plaintiffs in the above-referenced action. Pursuant to the Court's Order dated August 2, 2024, we hereby submit the following Status Report, jointly with Defendants.

The parties held a zoom meet and confer meeting on August 6, 2024. As a result of that meet and confer, counsel agreed to the following:

1. Defendants will produce the following information requested, to the extent same exists, by August 16, 2024:
 - a. For Mr. Shkolir - documentation showing onboarding paperwork, applications, or other similar "start of work type" document showing when his start date was;
 - b. For Mr. Badgaev – documentation and records showing that he was paid through some other entity other than the one he later formed.
 - c. A "per delivery" price breakdown;
 - d. A breakdown of what each payment was for – which deliveries, tips, deductions, or whatever else;
 - e. Tips: another search for additional records (along for those related to the new Plaintiff, for whom no tips records have yet been produced).; and
 - f. Defendant's counsel is going to get with his clients to see what exists and will both let Plaintiffs' counsel know and produce what they can by Fri 8/16; to the extent no additional documents exist, an attestation / certification by Defendants toward that end.
2. The parties agreed in principle to continue settlement discussions;

 August 13, 2024

Page 2 of 2

3. Plaintiffs' counsel will provide a draft of the proposed Second Amended Complaint to Defendants' counsel by August 16, 2024, which will:
 - a. Add the opt in plaintiff as a named plaintiff;
 - b. Add an additional related defendant entity;
 - c. Add class/collective allegations;
 - d. Add additional allegations that provide examples of specific workweeks in which the alleged violations occurred;
4. The parties will meet again by Zoom on August 20, 2024, at 2pm ET, to discuss the proposed Second Amended Complaint and meet & confer on what effect, if any, the same will have on Defendants' anticipated Rule 12 motion.
 - a. If the parties agree to the proposed Second Amended Complaint, Plaintiff's counsel will submit the motion to amend as unopposed;
 - b. If Defendants' counsel objects to the proposed Second Amended Complaint, the parties will come up with a briefing schedule for the Rule 12 motion during the Zoom on August 20, 2024; and
5. The parties agreed that a motion to conditionally certify a collective action is premature at this juncture, but will revisit later on once some of these additional hurdles have been leapt.

With the above-mentioned plan agreed to between the parties, counsel for Plaintiffs and counsel for Defendants jointly request that another status letter be submitted by August 27, 2024.

Thank you for your consideration.

Sincerely,



Penn Dodson, Esq.

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